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REMARKS

Claims 1-7 are pending in the present application. Claims 8-9 have been added. Applicant respectfully responds to this Office Action.

Claim Rejections – 35 USC § 102

Claims 1-7 are rejected under 25 U.S.C. 102(e) as being allegedly anticipated by Lim (U.S. Patent No. 6,349,224 B1), hereinafter, "Lim". Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), citing 35 U.S.C. §102. See also MPEP § 2131.

Referring to claim 1, the applicant claims, among other things "routing said *asynchronous* data communication to said second wireless communication device *without the use of a modem* if said initial communication comprises a request to initiate said asynchronous communication and said second wireless communication device is operating within said wireless communication system; otherwise routing said asynchronous data communication to said second wireless communication device using a modem". (Emphasis added.) Specifically, claim 1 claims routing asynchronous data without a modem.

Contrarily, Lim teaches routing *synchronous* data without the use of a modem. Further, Lim does not disclose a system for providing asynchronous data communication based on whether or not the originating and target devices are within the same system or network.

Lim discloses a mobile data terminal originating a connection with another mobile data terminal. Lim at Col. 4, lines 30 – 46. Lim teaches that the connection with the second mobile terminal can be made without the interworking unit (IWU). Lim at Col. 4, lines 46-66. However, the connection established in Lim is synchronous. Specifically, Lim teaches using synchronous protocols Transmission Control Protocol (TCP). Lim does not teach using any asynchronous connection between a mobile station and a base station. Personal Communication Services (PCS)

PATENT

wireless communication is contemplated in Lim. PCS can establish both asynchronous and synchronous connections, but the application of PCS considered in Lim is only synchronous connections, such as TCP connections. Accordingly, Lim does not teach or suggest the claimed subject matter of "routing said asynchronous data communication to said second wireless communication device without the use of a modem..." Accordingly, claim 1 and claims 2-3, which depend from claim 1, are patentable for the reasons given above.

Claim 4 is a method claim with a similar scope to apparatus claim 1. Claim 4 claims, among other things, "routing said *asynchronous* data communication to said second wireless communication device *without the use of a modem* if said initial communication comprises a request to initiate said asynchronous communication and said second wireless communication device is operating within said wireless communication system; otherwise routing said asynchronous data communication to said second wireless communication device using a modem". (Emphasis added.) Accordingly, claim 4 and claim 5, which depends from claim 4, are patentable for at least the reasons discussed above with respect to claim 1.

Claim 6 is a means-plus-function claim with similar scope to apparatus claim 1. Accordingly, claim 6 and claim 7, which depends from claim 6, are patentable for at least the reasons discussed above with respect to claim 1.

Claim 8 is a computer readable medium claim with similar scope to apparatus claim 1. Accordingly, claim 8 and claim 9, which depends from claim 8, are patentable for at least the reasons discussed above with respect to claim 1.

PATENT

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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